

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2008 APR -9 A 10:50

CLERK'S OFFICE
AT CALLING
BY
CLERK'S DEPUTY

UNITED STATES OF AMERICA,

*

Plaintiff and
Judgment Creditor,

*

v.

* Civil No. AMD-98-3763

*

HAZEL CORDRAY,

*

Defendant and
Judgment Debtor,

*

Sally Beauty Company, Inc.
Attention: Payroll Analyst
3001 Colorado Blvd.
Denton, TX 76210,

*

Garnishee.

*

*

WRIT OF CONTINUING GARNISHMENT

GREETINGS TO: Sally Beauty Company, Inc.

An application for a Writ of Continuing Garnishment against the property of Hazel Cordray, defendant and judgment debtor (hereinafter "debtor"), has been filed with this Court. A judgment has been entered against the debtor in the amount of \$4,976.08, plus interest in the legal rate of 8% from April 9, 1999, until paid in full. As of March 27, 2008, there remains due and owing to the creditor the sum of \$4,058.02 plus costs, a 10% surcharge pursuant to 28 U.S.C. 3011, if applicable and applicable interest as determined by law.

You are required by law to answer in writing, under oath, within ten (10) days, whether or not you have in your custody, control or possession, any property owned by the debtor, including non-exempt, disposable earnings.

Please state whether or not you anticipate paying the debtor any future payments and whether such payments are weekly, bi-weekly or monthly.

You must file the original written answer to this Writ within ten (10) days of your receipt of this Writ with the United States District Clerk at: United States District Court, 101 W. Lombard Street, 4th Floor, Room 4415, Baltimore, Maryland 21201. Additionally, you are required by law to serve a copy of the answer to this Writ upon the debtor at: 102 Pebble Beach Drive, Elkton, MD 21921 and upon Thomas F. Corcoran, Assistant United States Attorney, at 36 South Charles Street, 4th Floor, Baltimore, Maryland 21201.

Under the law, there is property which is exempt from this Writ of Continuing Garnishment. Property which is exempt and which is not subject to this order is listed on the attached Claim for Exemption form.

Pursuant to 15 U.S.C. §1674, Garnishee is prohibited from discharging the debtor from employment by reason of the fact that the debtor's earnings have been subject to garnishment for anyone indebtedness.

If you fail to answer this Writ or withhold property in accordance with this Writ, the United States of America may petition the Court for an order requiring you to appear before the Court. If you fail to appear or do appear and fail to show good cause why you failed to comply with this Writ, the Court may enter a judgment against you for the value of the debtor's non-exempt property. It is unlawful to pay or deliver to the debtor any item attached by this Writ.

FELICIA C. CANNON, CLERK
UNITED STATES DISTRICT COURT

By: H. Lee
Deputy Clerk

APR - 9 2008

U.S. DISTRICT COURT
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UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA,

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Plaintiff and
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v.

* Civil No. AMD-98-3763

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HAZEL CORDRAY,

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Defendant and
Judgment Debtor,

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Sally Beauty Company, Inc.
Attention: Payroll Analyst
3001 Colorado Blvd.
Denton, TX 76210

*

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*

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*

Garnishee.

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INSTRUCTIONS TO DEBTOR
CLERK'S NOTICE OF POST JUDGMENT GARNISHMENT

You are hereby notified that this Writ of Continuing Garnishment of Wages is being taken by the United States of America (the "Government") which has a Court judgment in AMD98-3763, in U.S. District Court for the District of Maryland in the sum of \$4,976.08, plus interest at the legal rate of 8% from April 9, 1999. The balance as of March 27, 2008 is \$4,058.02.

In addition, you are hereby notified that there are exemptions under the law which may protect some of the property from being taken by the Government if Hazel Cordray can show that the exemptions apply. Attached is a summary of the major exemptions which apply in most situations in the State of Maryland.

If you are Hazel Cordray, you have a right to ask the Court to return your property to you if you think you do not owe the money to the Government that it says you do, or if you think the property the Government is taking qualifies under one of the above exemptions.

If you want a hearing, you must notify the Court within 20 days after receipt of the notice. Your request must be in writing.

If you wish, you may use this notice to request the hearing by checking the box below. You must either mail it or deliver it in person to the Clerk of the United States District Court at 4th Floor, Room 4415, Baltimore, Maryland, 21201. You must also send a copy of your request to Thomas F. Corcoran, Assistant United States Attorney at 4th Floor, 36 South Charles Street, Baltimore, Maryland 21201, so the Government will know you want a hearing.

The hearing will take place within 5 days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible. At the hearing you may explain to the judge why you think you do not owe the money to the Government.

If you think you live outside the federal judicial district in which the court is located, you may request, not later than 20 days after you receive this notice, that this proceeding to take your property be transferred by the Court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the Court at 4th Floor, Room 4228, Baltimore, Maryland, 21201. You must also send a copy of your request to Thomas F. Corcoran, Assistant U.S. Attorney, at 4th Floor, 36 South Charles Street, Baltimore, Maryland, 21201, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance,

or the Clerk of the Court. The Clerk is not permitted to give legal advice, but can refer you to other sources of information.

FELICIA C. CANNON, CLERK
UNITED STATES DISTRICT COURT

BY: H. Lee
Deputy Clerk

APR - 9 2008

REQUEST FOR HEARING BEFORE A UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA v. HAZEL CORDRAY

Case Number: AMD- 98-3763

I request a hearing before a United States Magistrate Judge.

I request a hearing before a United States Magistrate Judge within 5 days.

I claim an exemption. See the attached.

DATED: _____

Hazel Cordray
Defendant/Debtor

Address

Phone Number

**NOTICE TO JUDGMENT DEBTOR ON
HOW TO CLAIM EXEMPTIONS**

The attached pre-judgment or post-judgment process has been issued on request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempted. This Notice lists the exemptions under federal law and your state law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) fill out the claim for exemption form and (ii) deliver or mail the form to the Clerk's office of this Court and counsel for the United States. You have a right to a hearing within five business days, or as soon as practicable, from the date you file your claim with the Court.

If the United States of America as creditor is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Claim for Exemption Form which is attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

On the day of the hearing, you should come to Court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to Court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

**CLAIM FOR EXEMPTION
MAJOR EXEMPTIONS UNDER FEDERAL LAW**

I claim that the exemption(s) from garnishment which are checked below apply in this case:

- 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- 2. Veterans' benefits (38 U.S.C. § 3101).
- 2a. Members of armed services (10 U.S.C. § 1440, 38 U.S.C. § 562).
- 3. Federal civil service retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- 6a. Seaman's, master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).
- 7. Bankruptcy Code (Title 11, United States Code) which generally provides exemptions for:

Optional Federal Exemptions. You can claim items XX(a) through XX(l) or you can claim exemptions under your state law as described in items YY through ZZ.

- (a) \$18,450 of equity in your residence.
- (b) \$2,950 of equity in a motor vehicle.
- (c) Jewelry worth up to \$1,225.
- (d) Personal property worth up to \$9,850. (However, no single item worth more than \$475 can be claimed as exempt.)
- (e) Property totaling up to \$975 in value, plus up to \$9,250 of any unused amount of the exemption provided in number 11(a) above.
- (f) \$1,850 of equity in professional books, implements or tools, of your trade or your dependant's trade.
- (g) Any unmatured life insurance contract you own, other than credit life insurance.
- (h) The aggregate value, up to \$9,850, of any accrued dividend or interest under, or loan value of, any unmatured life insurance contract you own, but only if you are the insured or you are independent of the insured.
- (i) Professionally prescribed health aids for you or your dependants.
- (j) Unemployment compensation benefits, local public assistance benefits, disability benefits, illness benefits; and alimony, support, and separate maintenance, to the extent these items are reasonably necessary for your support or the support of your dependants.
- (k) A payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for your support or the support of your dependants, subject to the limitations set forth at Title 11 United States Code Section

522(d)(10)(E)(i)-(iii).

- (1) Your right to receive, or property that is traceable to,
 - an award under a crime victim's reparation law;
 - a payment on account of the wrongful death of an individual of whom you were a defendant, but only to the extent reasonably necessary for your support or the support of your dependents;
 - a payment under a life insurance contract that insured an individual of whom you were a defendant on the date of the insured's death, but only to the extent reasonably necessary for your support or the support of your dependents;
 - a payment, not to exceed \$18,450, on account of personal bodily injury suffered by you or by an individual of whom you are a defendant; however, payment for pain and suffering or payment to compensate actual pecuniary loss are not exempt under this paragraph;
 - a payment in compensation of loss of your future earnings or the future earnings of an individual of whom you are, or were, a defendant, but only to the extent reasonably necessary for your support or the support of your dependents.

MAJOR EXEMPTIONS UNDER STATE LAW

NOTE: The law of the state where you have been domiciled for at least 180 days governs your rights.

NOTE: If you have selected the Bankruptcy Code exemptions (line 7 above), you may not also claim the state law exemptions listed below.

Fair market value

— 9.	Homestead or Residential Property (Md. Cts. & Jud. Proc. Code Ann. §§ 11-504 and 507)	—
— 10.	Personal Property (Md. Cts. & Jud. Proc. Code Ann. § 11-504)	—
— 11.	Wages (Md. Com. Law Code Ann. § 15-601.1)	—
— 12.	Workers' Compensation (Md. Ann. Code art. 101, § 50 Md. Cts. & Jud. Proc. Code Ann. § 11-504 (b))	—
— 13.	Unemployment Compensation (Md. Ann. Code art. 95A, § 16)	—
— 14.	Public Assistance (Md. Ann. code art. 88A, § 73)	—
— 15.	Tenancies by the Entirety (In re Ford, 3 B.R. 599 (B. Ct. D. Md. 1980); Sumy v. Schlossberg, 12 C.B.C.2d 822 (D. Md. 1985))	—
— 16.	Trade Implements (Md. Cts. & Jud. Proc. Code Ann. § 11-504 (b)(1))	—
— 17.	Miscellaneous Benefits (Md. Cts. & Jud. Proc. Code Ann. § 11-504 (b)(2))	—

- 18. Partnership Property
(Md. Corps. & Ass'ns.
Code Ann. § 9-502)
- 19. Pensions and Retirement Benefits
(Md. Ann. Code art. 73B, § 17 and
provisions cited in note thereafter;
Md. Cts. & Jud. Proc. Code Ann. § 11-504-(h))
- 20. Insurance
(Md. Ann Code art. 48A, § 385)
- 21. Cemeteries and Burial Property
(Md. Ann. Code art. 23, § 164)
- 22. Crime Victims' Compensation Awards
(Md. Code Ann. art. 26A, § 13)
- 23. Fraternal Benefit Society Benefits
(Md. Ann. Code art. 48A, § 328; Md.
Ests. & Trusts Code Ann. § 8-115 (1974))

The statements made in this claim of settlement to exemptions and request for hearing as to exemption entitlement and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct. I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at:

Debtor/Defendant's Name _____

Address _____

Telephone No. _____

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA, *
*
Plaintiff and *
Judgment Creditor, *
*
*
v. * Court No. AMD-98-3763
*
HAZEL CORDRAY, *
*
Defendant and *
Judgment Debtor, *
*
and *
*
Sally Beauty Company, Inc. *
Attention: Payroll Analyst *
3001 Colorado Blvd. *
Denton, TX 76210 *
*
Garnishee. *

ANSWER OF THE GARNISHEE

____ BEING DULY SWORN DEPOSES AND SAYS:
(Affiant)

IF GARNISHEE IS AN INDIVIDUAL:

That he/she is Garnishee herein doing business in the name of _____

IF GARNISHEE IS A PARTNERSHIP:

That he/she is a member _____ of a partnership composed of which Garnishee is a partner.

IF GARNISHEE IS A CORPORATION:

That he/she is the _____ of Garnishee, _____ a corporation, organized under the laws of the State of _____.

On _____, 2008, Garnishee was served with the Writ of Continuing Garnishment. For the pay period in effect on the date of service (shown above)

Yes No

1. Judgment Debtor was in my/our employ.
 2. Pay period is ____ weekly, ____ bi-weekly, ____ semi-monthly, ____ monthly.

Enter date present pay period began. (Present means the pay period in which this order and notice of garnishment were served)

Enter date above pay period ends.

3. Enter amount of net wages. Calculate below:

(a) Gross Pay \$ _____

(b) Federal income tax \$ _____

(c) F.I.C.A. income tax \$ _____

(d) State income tax \$ _____

Total of tax withholdings \$ _____

Net Wages _____
(a less total of b,c,d)

4. Have there been previous garnishments in effect.

If the answer is yes, describe below.

5. The Garnishee has custody, control or possession

of the following property (non-earnings), in which the Debtor maintains an interest, as described below:

<u>Description of Property</u>	<u>Approximate Value</u>	<u>Description of Debtor's Interest in Property</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

Garnishee anticipates owing to the judgment-debtor in the future, the following amounts:

	<u>Amount</u>	<u>Estimate date or Period Due</u>
1.	\$ _____	_____
2.	\$ _____	_____
3.	\$ _____	_____
4.	\$ _____	_____

(Check the applicable line below if you deny that you hold property subject to this order of garnishment.)

- [The Garnishee makes the following claim of exemption on the part of Judgment Debtor:]
- [Or has the following objections, defenses, or set-offs to Judgment Creditor's right to apply Garnishee's indebtedness to Judgment Debtor upon Judgment Creditor's claim:]
- [The Garnishee was then in no manner and upon no account indebted or under liability to the Judgment Debtor, _____, and that the Garnishee did not have in his/her possession or control any property belonging to the Judgment Debtor, or in which the Garnishee has an

interest; and is in no manner liable as Garnishee in this action.]

The Garnishee mailed a copy of this answer by first class mail to (1) the Judgment Debtor, Hazel Cordray at 102 Pebble Beach Drive, Elkton, MD 21921, and (2) the attorney for the United States, Thomas F. Corcoran, Assistant U.S. Attorney, 36 South Charles Street, 4th Floor, Baltimore, Maryland 21201.

Garnishee

Subscribed and sworn to before me this

____ day of ____ 2008.

Notary Public

My Commission expires: _____

ATTACHMENT TO ANSWER OF GARNISHEE

The Original Answer must be mailed to:

Clerk, United States District Court
U.S. Courthouse, Room 4415
4th Floor
Baltimore, Maryland 21201

and a copy of this Answer to:

Thomas F. Corcoran
Assistant United States Attorney
36 South Charles Street
4th Floor
Baltimore, Maryland 21201
Attention: Financial Litigation Unit

Make your check payable to:

U. S. Department of Justice

and mail your check to:

United States Attorney's Office
36 South Charles Street
4th Floor
Baltimore, Maryland 21201
Attn: Financial Litigation Unit

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

FILED
U.S. DISTRICT COURT
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UNITED STATES OF AMERICA,

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Plaintiff and
Judgment Creditor,

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v. * Court No. AMD-98-3763

*

HAZEL CORDRAY,

*

*

Defendant and
Judgment Debtor,

*

*

**NOTICE OF GARNISHMENT AND INSTRUCTIONS
TO THE ABOVE-NAMED JUDGMENT DEBTOR:**

YOU ARE HEREBY NOTIFIED that a Garnishment was issued based upon a judgment entered against you in AMD-98-3763 and the Garnishment was served on Sally Beauty Company, Inc., Garnishee, and it is believed that the Garnishee may have property of yours in their custody, possession or control.

YOU ARE FURTHER NOTIFIED THAT, unless within twenty (20) days from the date of receipt of the Answer of the Garnishee, you file a written objection to explain why you think these funds are exempt under the state or federal law and request a hearing, a Court Order will be entered attaching the funds or property and the funds or property will be applied against the judgment owed the United States of America.

Any objection that you file to contest the garnishment must be filed in the Office of the Clerk of the United States District Court, District of Maryland, at U.S. Courthouse, 4th Floor, Room 4415, Baltimore, Maryland 21201. The objection must state your reasons for believing that this property is not subject to attachment by the United States of America. A copy of the objection or other pleadings must also be served on: (1) Thomas F. Corcoran, Assistant United

States Attorney for the District of Maryland at 4th Floor, 36 South Charles Street, Baltimore, Maryland, 21201, and (2) Sally Beauty Company, Inc., Attention: Payroll Analyst, Denton, TX 76210, Attn: Personnel Office.

**YOU MAY WISH TO CONSULT A LAWYER FOR ADVICE AS TO THE
MEANING OF THIS NOTICE.**

Rod J. Rosenstein
UNITED STATES ATTORNEY



Thomas F. Corcoran
Assistant United States Attorney
36 South Charles Street
4th Floor
Baltimore, Maryland 21201
(410) 209-4800
Trial Bar No. 24894